

	)	
Disability Rights North Carolina,	)	
North Carolina's Protection and	)	
Advocacy System,	)	
	)	MEMORANDUM IN SUPPORT OF
<i>Plaintiff,</i>	)	JOINT MOTION TO DISMISS
	)	WITHOUT PREJUDICE AND
v.	)	RETAIN JURISDICTION
	)	
	)	
Richard Brajer, Secretary of the North Carolina	)	
Department of Health and Human Services,	)	
in his official capacity,	)	
	)	
<i>Defendant.</i>	)	

The Parties jointly move this Court for entry of an Order conditionally dismissing this action, without prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and move that the Court retain jurisdiction to enforce the Settlement Agreement in accordance with its terms for the duration of the Agreement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994) (establishing that under Rule 41(a), a federal district court may retain jurisdiction to enforce a “dismissal-producing settlement agreement” in its

order); *Columbus- American Discovery Group v. Atlantic Mut. Ins. Co.*, 203 F.3d 291, 299 (4th Cir. 2000) (finding that the *Kokkonen* standard is satisfied where the dismissal order stated that “[t]he Court retains jurisdiction to enforce the settlement of the parties and the prior Orders in this case.”).

Dated this 14<sup>th</sup> day of October, 2016.

FOR DISABILITY RIGHTS NORTH CAROLINA:

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## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed the document to Josephine Tetteh, attorney for Defendant Richard Brajer, Secretary of the North Carolina Department of Health and Human Service.

Dated this 14<sup>th</sup> day of October, 2016.

/s/ John R. Rittelmeyer

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